

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	)	Criminal No. 1:CR-04-00020
	)	1:CR-05-00100
v.	)	(Judge Rambo)
	)	
<b>TYRONE ANTHONY POOLE</b>	)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION  
TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582**

**AND NOW** this 17th day of November 2011, comes Peter J. Smith, United States Attorney for the Middle District of Pennsylvania, by William A. Behe, Assistant United States Attorney, who files this Response to Defendant’s Motion to Reduce Sentence and, in support thereof, alleges as follows:

1. On October 3, 2011, the defendant, through counsel, filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). That section provides that the court, upon motion of a defendant, may reduce the term of imprisonment if the Sentencing Commission has subsequently lowered the sentencing range that had been used to sentence a defendant. The Court is to consider the factors set forth in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission before deciding if a reduction is appropriate and consistent with said policy statements.

2. On November 3, 2011, the United States Probation Office submitted to the Court an Addendum on Defendant Requesting Sentence Reduction Pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10.

3. Based upon the report, the defendant is eligible for a reduction based upon the amendments to the Sentencing Guidelines effective November 1, 2011. His original sentence was capped at 132 months. The otherwise applicable imprisonment range was 168-210 months. Currently, his amended range is 100-125 months. His current **projected release date** on the 132 month sentence is **September 27, 2014**. If the court granted the motion to reduce and sentenced the defendant to the **low end** of the new range, i.e., 100 months, he would **not** be eligible for immediate release. His **new projected release date would be June 2, 2012**. If the court sentenced at the **high end** of the new imprisonment range, i.e., 125 months, his **projected release date would be March 25, 2014**.

4. Mindful that immediate release will not happen, the United States has no objection to the motion to reduce sentence. However, the United States opposes a sentence at the low end of the range. Had the current range been in effect when the defendant was sentenced the United States, based upon the defendant's disturbing criminal history of violence and drugs, would have sought a sentence at the high end of the range, i.e., 125 months.

Therefore, it is requested that a sentence of no less than 125 months imprisonment be imposed if the motion is granted..

Respectfully submitted,

PETER J. SMITH  
UNITED STATES ATTORNEY

/s/ WILLIAM A. BEHE

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**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**TYRONE ANTHONY POOLE**

) **Criminal No. 1:CR-04-020**  
) **1:CR-05-100**  
) **(Judge Caldwell)**  
)  
)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 17th day of November 2011, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania and/or by electronic means by sending a copy to the e-mail addresses stated below:.

ADDRESSEE(S):

Lori J. Ulrich, Esquire

Email: [Lori\\_Ulrich@fd.org](mailto:Lori_Ulrich@fd.org)

/s/ CYNTHIA A. ZIMMERMAN

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CYNTHIA A. ZIMMERMAN  
Legal Assistant